

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SAN LUIS OBISPO COASTKEEPER,
LOS PADRES FORESTWATCH,
CALIFORNIA COASTKEEPER
ALLIANCE, and THE ECOLOGICAL
RIGHTS FOUNDATION,

Plaintiffs,

v.

COUNTY OF SAN LUIS OBISPO,

Defendant.

Case No. 2:24-cv-06854-SPG-AS

**PRELIMINARY INJUNCTION
ORDER**

1 On August 17, 2024, Plaintiffs San Luis Obispo Coastkeeper, Los Padres
2 Forestwatch, California Coastkeeper Alliance, and Ecological Rights Foundation
3 (“Plaintiffs”) filed a Motion for Preliminary Injunction (ECF No. 13 (“Motion”)),
4 which came on for hearing before this Court on October 2, 2024. The Court granted,
5 in part, Plaintiffs’ Motion on November 27, 2024. *See* (ECF No. 54). In light of the
6 ruling, and pursuant to Federal Rule of Civil Procedure 65 and the inherent equitable
7 powers of the Court, the Court hereby ORDERS Defendant County of San Luis
8 Obispo (“Defendant” or “the County”) to comply with the following:

9 1. By no later than December 23, 2024, the County shall submit a proposed
10 plan for releasing flows from Lopez Dam into lower Arroyo Grande Creek
11 for the 2024/2025 water year, *i.e.*, from December 1, 2024, through
12 September 30, 2025, (“Proposed Lopez Dam Flow Release Plan”) to the
13 National Marine Fisheries Service (“NMFS”), U.S. Fish and Wildlife
14 Service (“USFWS”), the Plaintiffs, and the Court. The County shall request
15 NMFS and USFWS review and comment upon the Proposed Lopez Dam
16 Flow Release Plan and specifically request that NMFS and USFWS provide
17 their recommendations concerning flow releases from Lopez Dam for the
18 2024/2025 water year. In response to the County’s proposed plan, Plaintiffs
19 shall submit additional recommendations or suggestions, if any, to NMFS
20 and USFWS for review. The County’s Proposed Lopez Dam Flow Release
21 Plan shall provide for one of the following two options for flow releases
22 (the County’s plan may propose both options as under consideration with a
23 final choice as to which option to implement being deferred until the time
24 to commence plan implementation):

25 (a) Option 1: the County shall calculate and release the volume of water
26 from Lopez Dam that would be sufficient to create a minimum depth of
27 0.7 feet over 25% of all critical riffle cross-sections and at least 10% of
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1 the contiguous width for each critical riffle as identified in Stillwater
2 (2022) for at least 24 hours and such longer duration as shown by experts
3 selected and retained by the County to be necessary to provide Steelhead
4 with a sufficient migratory timeframe window as would reasonably be
5 calculated to allow Steelhead time to migrate from the ocean to areas
6 throughout the Arroyo Grande Creek watershed that are open to
7 anadromy. This timeframe shall be calculated taking into account the
8 reasonable time needed for Steelhead to transit from the ocean to
9 locations where there is still suitable Steelhead spawning habitat in
10 Arroyo Grande Creek given the swimming speed of Steelhead and other
11 factors that would influence their migratory behavior.

12 (b) At the end of the pulse flow periods described above, the County may
13 gradually reduce Lopez Dam flow releases by an hourly amount that
14 would be representative of natural streamflow recession rates in Arroyo
15 Grande Creek, which, in the absence of any more definitive watershed
16 specific data, the County can assume to be that which would reduce
17 depth in the most Steelhead restrictive of Arroyo Grande Creek's critical
18 riffles by no more than 1 inch per hour.

19 (c) Option 2: in the event that the County is unable to develop Option 1 due
20 to any technical infeasibilities that arise or otherwise elects not to
21 implement Option 1, it shall implement at least the following cubic feet
22 per second ("cfs") releases of flow from Lopez Dam:
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**Schedule of Pulse Flow Releases from Lopez Dam to Be Implemented
During December 1 to June 30 Migration Season**

| Dry Water Year | Normal Water Year | Wet Water Year |
|--------------------------|---------------------------|---------------------------|
| 1 managed release | 2 managed releases | 2 managed releases |
| 20 cfs – 1 day* | 20 cfs – 1 day | 30 cfs – 1 day |
| 10 cfs – 3 days | 10 cfs – 3 days | 50 cfs – 1 day |
| | | 40 cfs – 1 day |
| | | 30 cfs – 1 day |
| | | 20 cfs – 1 day |
| | | 10 cfs – 1 day |

*1 day = one 24-hour period.

From January 7, 2025 to June 30, 2025, and from December 1 to June 30 in any subsequent years during which this Preliminary Injunction remains in place, these pulse flows shall be triggered when two predicate events have occurred: the sandbar berm at the mouth of Arroyo Grande Creek has been naturally breached such that Arroyo Grande Creek is connected to the ocean, and streamflows at the Arroyo Grande gage (USGS 11141500) have equaled or exceeded 100 cfs. Such pulse flows shall occur on no fewer than the number of managed releases set forth in the table above during the applicable water year type.

At the end of the pulse flow periods listed above, the County may gradually reduce Lopez Dam flow releases by no more than 0.5 cfs per 24-hour period until the County has reduced Lopez Dam flow releases to the applicable Base Flow level set forth below.

Schedule of Base Flow Releases from Lopez Dam

| Dry Water Year | Normal Water Year | Wet Water Year |
|-----------------------|--------------------------|-----------------------|
| 5.9 cfs | 7.9 cfs | 7.9 cfs |

1 At all times while this Preliminary Injunction remains in effect, the County shall
2 release at least these Base Flow amounts from Lopez Dam. For purposes of this
3 order, a Dry Water Year shall mean a water year in which Lopez Reservoir storage
4 is less than 20,000 acre-feet of water on December 1 of that water year, a Normal
5 Water Year shall mean a water year in which Lopez Reservoir storage equals or
6 exceeds 20,000 acre-feet of water but is less than 40,000 acre-feet of water on
7 December 1 of that water year, and a Wet Water Year shall mean a water year in
8 which Lopez Reservoir storage equals or exceeds 40,000 acre-feet of water on
9 December 1 of that water year.

10 2. By no later than January 8, 2025, the County shall adopt a Final Lopez Dam
11 Flow Release Plan to govern interim releases of flow from Lopez Dam for
12 the 2024/2025 water year. The Final Plan shall specify all federal or state
13 regulatory approvals (hereinafter, “regulatory approvals”) necessary to
14 implement the Plan. The Final Plan must also outline a timely schedule for
15 any necessary steps to obtain such regulatory approvals for implementation
16 of the Plan. In adopting the Final Lopez Dam Flow Release Plan, the
17 County shall consider any comments and recommendations on revisions to
18 the Proposed Lopez Dam Flow Release Plan provided by NMFS, USFWS,
19 or the Plaintiffs. In adopting its Final Plan, the County shall amend its Final
20 Lopez Dam Flow Release Plan to incorporate any NMFS recommended
21 revisions to the Plan, including any of Plaintiffs’ recommendations that
22 NMFS endorses, to the extent that the recommended revisions are not
23 inconsistent with any recommendations by USFWS. In the event that
24 NMFS and USFWS provide written conflicting recommendations
25 concerning flow releases from Lopez Dam and the agencies do not
26 subsequently reconcile their conflicting recommendations, the County shall
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1 not be required to make any revisions to its Final Lopez Dam Flow Release
2 Plan.

3 3. By no later than January 15, 2025, the County shall commence
4 implementing the Final Lopez Dam Flow Release Plan and shall continue
5 to implement the Plan (as it may be modified pursuant to paragraphs 7 and
6 8) throughout the duration of this Preliminary Injunction.¹

7 4. By no later than January 21, 2025, the County shall develop and submit to
8 NMFS, the USFWS, the Plaintiffs, and the Court a proposed plan for a
9 comprehensive study of the effect of implementation of the Final Lopez
10 Dam Flow Release Plan on Steelhead in Arroyo Grande Creek (“Proposed
11 Steelhead Monitoring Plan”). The Proposed Plan shall include studying,
12 *inter alia*, how the County’s Lopez Dam flow releases are impacting
13 Steelhead passage conditions (upstream and downstream) at the known
14 critical riffles in Arroyo Grande Creek and actual SCCC Steelhead
15 migration behavior (such as timing of entry into the Creek from the ocean
16 and upstream Steelhead passage to spawning habitats in the Creek and its
17 tributaries). The study shall be sufficient to provide information for
18 refinement of the County’s HCP by pointing to the need for potential
19 changes to, or refinement of, the County’s flow releases from Lopez Dam.
20 The Proposed Steelhead Monitoring Plan shall incorporate the Steelhead
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22 ¹ The County must, at minimum, commence implementation of the Flow Release
23 Plan by January 15, 2025, to the extent that commencing implementation does not
24 unlawfully violate applicable regulations. The County shall file a status report as
25 soon as it is aware of applicable regulations that prohibit it from commencing
26 implementation of the Flow Release Plan, so the Court may adjust the
27 implementation deadline, if need be. The County shall also make all diligent efforts,
28 in good faith, to obtain any necessary regulatory approvals in a timely manner to
implement the Plan and shall promptly apprise the Court about the status of
obtaining necessary regulatory approvals.

1 monitoring strategies outlined in NMFS's 2013 Recovery Plan for
2 Steelhead, including establishing counting and lifecycle monitoring stations
3 at these locations: Creek crossings of Highway 1, Highway 101, and Lopez
4 Drive. The Proposed Plan shall include a schedule for implementation of
5 the study with the study commencing no later than February 3, 2025. The
6 County shall request NMFS and USFWS review and comment upon the
7 Proposed Steelhead Monitoring Plan and specifically request that NMFS
8 and USFWS provide recommendations concerning monitoring the effects
9 of flow releases from Lopez Dam on Steelhead for the 2024/2025 water
10 year. In response to the County's proposed plan, Plaintiffs shall submit
11 additional recommendations or suggestions, if any, to NMFS and USFWS
12 for review.

- 13 5. By no later than February 5, 2025, the County shall adopt a Final Steelhead
14 Monitoring Plan to govern monitoring the effects of flow releases from
15 Lopez Dam on Steelhead for the 2024/2025 water year. The Final Plan
16 shall specify all regulatory approvals necessary to implement the Plan. The
17 Final Plan must also outline a timely schedule for any necessary steps to
18 obtain such regulatory approvals for implementation of the Plan. In
19 adopting the Final Steelhead Monitoring Plan, the County shall consider
20 any comments and recommendations on revisions to the Plan provided by
21 NMFS, USFWS, or the Plaintiffs. In adopting its Final Plan, the County
22 shall amend its Proposed Steelhead Monitoring Plan to incorporate any
23 NMFS, or NMFS and USFWS collectively, recommended revisions to the
24 Plan, including any of Plaintiffs' recommendations that NMFS endorses.

- 1 6. By no later than February 10, 2025, the County shall commence
2 implementing the Final Steelhead Monitoring Plan and shall continue to
3 implement the Plan until September 30, 2025.
- 4 7. By no later than October 30, 2025, the County shall develop and submit a
5 comprehensive report to NMFS, USFWS, the Plaintiffs, and the Court
6 concerning the results of the County's implementation of the Final
7 Steelhead Monitoring Plan ("Steelhead Monitoring Report"). The Report
8 shall include the County's findings concerning the effects of its Lopez Dam
9 flow releases on Steelhead and other listed species and recommendations
10 for any revisions to the Final Lopez Dam Flow Release Plan necessary to
11 avoid take of Steelhead in ensuing water years. The County shall request
12 NMFS and USFWS comments on the Steelhead Monitoring Report and that
13 NMFS and USFWS indicate whether they have any recommendations for
14 changes to the Final Lopez Dam Flow Release Plan.
- 15 8. By no later than November 30, 2025, the County shall amend the Final
16 Lopez Dam Flow Release Plan to reflect any changes to Lopez Dam flow
17 releases that the County has deemed warranted based on the study results
18 set forth in its Steelhead Monitoring Report or that NMFS, or NMFS and
19 USFWS collectively, have recommended. In no case shall the County
20 modify the Final Lopez Dam Flow Release Plan to provide for flow releases
21 less protective of Steelhead than recommended by NMFS.
- 22 9. The County shall continue to implement the Final Lopez Dam Flow Release
23 Plan developed, pursuant to paragraph 8, throughout the duration of this
24 preliminary injunction.
- 25 10. Commencing on December 17, 2024, and continuing throughout the
26 duration of this preliminary injunction, the County shall regularly monitor
27 and as necessary clear any debris or blockages from the double arch culvert
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1 at Biddle Park access road. Specifically, the County shall inspect the culvert
2 at least once every two weeks during this time period and following any rain
3 event equaling or exceeding 0.25 inches in a 24-hour period and remove any
4 debris or blockages from the culvert.

5 11. By no later than March 30, 2025, the County shall develop and submit to
6 NMFS, USFWS, the Plaintiffs, and the Court a proposed plan for installing
7 a fish screen on the spillway at Lopez Dam to prevent non-native species
8 that prey on and/or compete with Steelhead from escaping Lopez Lake into
9 downstream Steelhead habitat in Arroyo Grande Creek (“Spillway Fish
10 Screen Plan”). The County shall include a schedule in the Proposed Plan
11 for installing the proposed fish screen. The County shall request NMFS
12 and USFWS review and comment upon the Proposed Spillway Fish Screen
13 Plan and specifically request that NMFS and USFWS provide
14 recommendations concerning implementation of a spillway fish screen. In
15 response to the County’s proposed plan, Plaintiffs shall submit additional
16 recommendations or suggestions, if any, to NMFS and USFWS for review.

17 12. By no later than April 30, 2025, the County shall adopt a Final Spillway
18 Fish Screen Plan for installing a fish screen on the spillway at Lopez Dam
19 to prevent non-native species that prey on and/or compete with Steelhead
20 from escaping Lopez Lake into downstream Steelhead habitat in Arroyo
21 Grande Creek. In adopting the Final Spillway Fish Screen Plan, the County
22 shall consider any comments and recommendations on revisions to the Plan
23 provided by NMFS, USFWS, or the Plaintiffs. The Final Plan shall specify
24 all regulatory approvals necessary to implement the Plan. The Final Plan
25 must also outline a timely schedule for any necessary steps to obtain such
26 regulatory approvals for implementation of the Plan. In adopting its Final
27 Plan, the County shall amend its Proposed Spillway Fish Screen Plan to
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1 incorporate any NMFS and USFWS recommended revisions to the Plan,
2 including any of Plaintiffs' recommendations that NMFS endorses.

3 13. The County shall implement the Final Spillway Fish Screen Plan as soon as
4 fish screen installation is feasible given Creek flow, weather conditions,
5 compliance with applicable contracting requirements (provided that the
6 County shall pursue entering into effective and timely contracts in good
7 faith), and the issuance of any necessary regulatory approvals.

8 14. By no later than May 30, 2025, the County shall develop and submit to
9 NMFS, USFWS, the Plaintiffs, and the Court a proposed plan for removal
10 or modification of the specified Steelhead passage barriers in lower Arroyo
11 Grande Creek listed in Attachment 1 to this Order ("Proposed Steelhead
12 Passage Barriers Plan"). The Plan shall specify any necessary steps for
13 obtaining any needed regulatory approvals or access agreements for
14 implementation of the Plan. The Plan shall further provide for a schedule
15 (including appropriate interim milestones) to complete implementation of
16 steelhead passage barrier removal or modification. The County shall request
17 NMFS and USFWS review and comment upon the Proposed Steelhead
18 Passage Barriers Plan and specifically request that NMFS and USFWS
19 provide recommendations concerning removal or modification of Steelhead
20 passage barriers in Arroyo Grande Creek. In response to the County's
21 proposed plan, Plaintiffs shall submit additional recommendations or
22 suggestions, if any, to NMFS and USFWS for review.

23 15. By no later than June 30, 2025, the County shall adopt a Final Steelhead
24 Passage Barriers Plan for removal or modification of the specified Steelhead
25 passage barriers in lower Arroyo Grande Creek listed in Attachment 1 to this
26 Order and owned, operated, and/or maintained by the County. In adopting
27 the Final Steelhead Passage Barriers Plan, the County shall consider any
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1 comments and recommendations on revisions to the Plan provided by
2 NMFS, USFWS, or the Plaintiffs. In adopting its Final Plan, the County
3 shall amend its Proposed Steelhead Passage Barriers Plan to incorporate any
4 NMFS and USFWS recommended revisions to the Plan, including any of
5 Plaintiffs' recommendations that NMFS endorses.

6 16. The County shall implement the Final Steelhead Passage Barriers Plan
7 according to the schedule set forth in the Final Plan.

8 17. By no later than March 3, 2025, the County shall develop and submit to
9 NMFS, USFWS, the Plaintiffs, and the Court a proposed plan for
10 implementing appropriate best management practices to reduce sediment
11 loading into tributaries to Arroyo Grande Creek ("BMP Plan"). In
12 developing the Proposed Plan, the County shall consider such sediment
13 loading reduction BMP measures as installing sediment fences, jute netting,
14 planting and maintaining vegetation, and constructing settling basins
15 (detention ponds). The Proposed Plan shall include a schedule for
16 implementation of the specified BMP measures. The County shall request
17 NMFS and USFWS review and comment upon the Proposed BMP Plan and
18 specifically request that NMFS and USFWS provide recommendations
19 concerning BMP measures to reduce sediment loading to Arroyo Grande
20 Creek. In response to the County's proposed plan, Plaintiffs shall submit
21 additional recommendations or suggestions, if any, to NMFS and USFWS
22 for review.

23 18. By no later than March 31, 2025, the County shall adopt a Final BMP Plan
24 for implementing appropriate best management practices to reduce sediment
25 loading into tributaries to Arroyo Grande Creek. In adopting the Final BMP
26 Plan, the County shall consider any comments and recommendations on
27 revisions to the Plan provided by NMFS, USFWS, or the Plaintiffs. In
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1 adopting its Final Plan, the County shall amend its Proposed BMP Plan to
2 incorporate any NMFS and USFWS recommended revisions to the Plan,
3 including any of Plaintiffs' recommendations that NMFS endorses. The
4 Final Plan shall specify all regulatory approvals necessary or access
5 agreements to implement the Plan. The Final Plan must also outline a timely
6 schedule for any necessary steps to obtain such regulatory approvals or
7 access agreements for implementation of the Plan.

8 19. The County shall implement the Final BMP Plan according to the schedule
9 set forth in the Final Plan.

10 20. By no later than January 30, 2025, the County shall develop and submit to
11 NMFS, the Plaintiffs, and the Court a proposed plan for completing a
12 thorough study of means to secure volitional Steelhead passage past Lopez
13 Dam into upper Arroyo Grande Creek ("Proposed Steelhead Volitional
14 Passage Study Plan"). The County shall include in the plan a schedule for
15 completing its study of feasibility of alternative means to secure volitional
16 Steelhead passage past Lopez Dam. The County shall request NMFS
17 review and comment upon the Proposed Steelhead Volitional Passage
18 Study Plan and specifically request that NMFS provide its
19 recommendations concerning evaluating volitional Steelhead Passage past
20 Lopez Dam. In response to the County's proposed plan, Plaintiffs shall
21 submit additional recommendations or suggestions, if any, to NMFS for
22 review.

23 21. By no later than February 28, 2025, the County shall adopt a Final
24 Steelhead Volitional Passage Study Plan to assess the feasibility of
25 volitional Steelhead passage past Lopez Dam into upper Arroyo Grande
26 Creek. In adopting the Final Steelhead Volitional Passage Study Plan, the
27 County shall consider any comments and recommendations on revisions to
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1 the Plan provided by NMFS or the Plaintiffs. In adopting its Final Plan, the
2 County shall amend its Proposed Steelhead Volitional Passage Study Plan
3 to incorporate any NMFS recommended revisions to the Plan, including
4 any of Plaintiffs' recommendations that NMFS endorses.

5 22. The County shall implement the Final Steelhead Volitional Passage Study
6 Plan according to the schedule set forth in the Final Plan. In addition, the
7 County shall thereafter implement one of the feasible alternatives identified
8 in the Final Steelhead Volitional Passage Study according to the schedule
9 set forth in the Final Plan, taking into consideration any necessary steps for
10 obtaining any needed regulatory approvals to implement volitional
11 Steelhead passage past the present location of Lopez Dam.

12 23. The County shall thoroughly and expeditiously develop the HCP and ESA
13 § 10 incidental take permit applications for operation of the Project. The
14 County shall respond promptly and thoroughly to requests for information
15 from NMFS and USFWS that the agencies indicate they need to review and
16 consider the County's HCP and incidental take permit applications.

17 24. By no later than October 1, 2025, submit complete applications (ready for
18 the institution of environmental review under the National Environmental
19 Policy Act and California Environmental Quality Act) for ESA § 10
20 incidental take permits to NMFS and USFWS for operation and
21 maintenance of the Project. These applications shall include proposals for
22 volitional Steelhead passage to the upper Arroyo Grande Creek watershed
23 above Lopez Dam and otherwise minimizing take of Steelhead consistent
24 with ESA directives to include reasonable and prudent measures for
25 reducing take of listed species in any authorization for species take,
26 appropriate monitoring of compliance with ESA § 10 permit terms and
27 conditions, and adaptive management to alter HCP implementation as
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1 needed to avoid jeopardy to survival and recovery of Steelhead or take of
2 Steelhead in excess of ESA § 10 incidental take authorization.

3 25. By no later than March 3, 2025, the County shall develop and submit to
4 NMFS, USFWS, the Plaintiffs, and the Court a proposed plan for a habitat
5 restoration project for Arroyo Grande Creek that will offset take of
6 Steelhead (“Proposed Habitat Restoration Plan”). The Proposed Habitat
7 Restoration Plan shall include beneficial components such as (a) placement
8 of gravel substrate into the Arroyo Grande Creek channel bed suitable for
9 Steelhead spawning, (b) planting of new riparian vegetation that provides
10 shade canopy to keep Arroyo Grande Creek water temperatures low and
11 within suitable range for Steelhead and reduces sediment loading to Arroyo
12 Grande Creek, and (c) addition of large woody material in the Creek that
13 provides suitable stream geomorphology for Steelhead habitat needs. The
14 Plan shall also specify performance of the steps needed to obtain and
15 comply with all necessary regulatory permits and authorizations to
16 implement the Plan. The Plan shall include a schedule for implementation
17 of these restoration measures. The County shall request NMFS and
18 USFWS review and comment upon the Proposed Habitat Restoration Plan
19 and specifically request that NMFS and USFWS provide recommendations
20 concerning Arroyo Grande Creek habitat restoration. In response to the
21 County’s proposed plan, Plaintiffs shall submit additional
22 recommendations or suggestions, if any, to NMFS and USFWS for review.

23 26. By no later than March 31, 2025, the County shall adopt a Final Habitat
24 Restoration Plan for a habitat restoration project for Arroyo Grande Creek
25 that will offset take or Steelhead. In adopting the Final Habitat Restoration
26 Plan, the County shall consider any comments and recommendations on
27 revisions to the Plan provided by NMFS, USFWS, or the Plaintiffs. In
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1 adopting its Final Plan, the County shall amend its Proposed Habitat
2 Restoration Plan to incorporate any NMFS or USFWS recommended
3 revisions to the Plan, including any of Plaintiffs' recommendations that
4 NMFS endorses.

5 27. The County shall implement the Final Habitat Restoration Plan according
6 to the schedule set forth in the Final Plan.

7 28. By no later than March 30, 2025, the County shall develop and submit to
8 NMFS, USFWS, the Plaintiffs, and the Court a proposed plan for removal
9 of Steelhead competitor and predator non-native species from Arroyo
10 Grande Creek ("Predator Removal Plan"). The County shall include the
11 measures for controlling Steelhead predators and competitors
12 recommended in NMFS's 2013 Steelhead Recovery Plan, including
13 development and implementation of a watershed-wide plan to assess the
14 impacts of non-native species and develop control measures, a non-native
15 species monitoring program, and a public educational program on non-
16 native species impacts. The Predator Removal Plan shall include a schedule
17 for implementation. The County shall request NMFS and USFWS review
18 and comment upon the Predator Removal Plan, and specifically request that
19 NMFS and USFWS provide recommendations concerning measures to
20 control Steelhead predators and competitors. In response to the County's
21 proposed plan, Plaintiffs shall submit additional recommendations or
22 suggestions, if any, to NMFS and USFWS for review.

23 29. By no later than April 30, 2025, the County shall adopt a Final Predator
24 Removal Plan to remove Steelhead competitor and predator non-native
25 species from Arroyo Grande Creek. In adopting the Final Predator Removal
26 Plan, the County shall consider any comments and recommendations on
27 revisions to the Plan provided by NMFS, USFWS, or the Plaintiffs. In
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1 adopting its Final Plan, the County shall amend its Proposed Predator
2 Removal Plan to incorporate any NMFS or USFWS recommended revisions
3 to the Plan, including any of Plaintiffs' recommendations that NMFS
4 endorses. The Final Plan shall specify any necessary steps for obtaining any
5 needed regulatory approvals for implementation of the Predator Removal
6 Plan, and the County shall diligently and in good faith pursue those steps.

7 30. The County shall implement the Predator Removal Plan according to the
8 schedule set forth in the Final Predator Removal Plan provided the County
9 has acquired any necessary regulatory approvals to implement the Plan.

10 This Preliminary Injunction shall remain in effect until entry of a final judgment on
11 the merits, unless otherwise subsequently ordered.

12 **IT IS SO ORDERED.**

13
14 Dated: December 9, 2024


HON. SHERILYN PEACE GARNETT
UNITED STATES DISTRICT JUDGE

ATTACHMENT 1

| Barrier | Location |
|---|--|
| Arroyo Grande Creek | |
| 1. Biddle Park double arch culvert | Biddle Park access road crossing over Arroyo Grande Creek. |
| 2. Abandoned dam and diversion footings | At or about stream mile 11.22 from confluence with ocean. |
| 3. "S" Rip-rap Dam | At or about stream mile 9.31 from confluence with ocean. Downstream from Talley Farms Rd crossing and upstream of former Cecchetti Rd crossing (washed out) over Arroyo Grande Creek. |
| 4. Concrete Dam | At or about stream mile 5.82 from confluence with ocean. Downstream from confluence of Tar Spring Creek with Arroyo Grande Creek, and upstream of Strother Park. |
| 5. Rip-rap Dam | About 2,000 feet upstream of Arroyo Grande stream gage station at mile 5.35 from confluence with ocean. Downstream from Strother Park. |
| 6. Two concrete dams | Adjacent to Woodland Drive, upstream from Arroyo Grande Creek confluence with Los Berros Creek. Located at or about mile 2.88 from confluence with ocean and about 0.5 miles downstream from Fair Oaks Crossing. |
| Los Berros Creek | |
| 7. Grade Control Structure | Upstream of confluence with Arroyo Grande Creek and downstream of Valley Road crossing. |
| 8. Los Berros double culvert | Crossing over Los Berros Creek at 1950 Los Berros Road at the intersection of Los Berros Creek Road. |